

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

June 27, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: NM  
DEPUTY

KATHLEEN GIRAMUR

Plaintiff

v.

HONORABLE CHRISTINE E. WORMUTH,  
Secretary of the Army d/b/a Brooke Army  
Medical Center

Defendant

CIVIL NO. SA-22-CV-529-OLG

**ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION**

On this date the Court considered the report and recommendation of United States Magistrate Judge Henry J. Bemporad, filed in the above-styled and numbered cause on May 24, 2023. Docket no. 20. The parties were served with a copy of the recommendation, and no objections have been filed.<sup>1</sup> Where no party has objected to the Magistrate Judge's recommendation, the Court need not conduct a de novo review. Instead, the Court need only review the recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). The Court has reviewed the recommendation and finds it is neither clearly erroneous nor contrary to law.


It is therefore ORDERED that the recommendation of United States Magistrate Judge Henry J. Bemporad (docket no. 20) is hereby ACCEPTED pursuant to 28 U.S.C. § 636(b)(1). It is further ORDERED that Defendant's motion to dismiss the claims in Plaintiff's first amended complaint

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<sup>1</sup>A party desiring to object to a magistrate judge's findings and recommendations must file and serve written objections within 14 days after being served with the recommendations. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2).

(docket no. 9) is GRANTED IN PART and DENIED IN PART for the reasons stated in the recommendation. All claims, with the exception of Plaintiff's retaliation claim, are DISMISSED without prejudice to filing a second amended complaint curing the deficiencies explained in the recommendation within 20 days from the date below.

SIGNED and ENTERED on the 27th day of June, 2023.



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ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE